

Raton, N. M., respectively, alleging that the article had been shipped by the Tilden McMullin Co., Sedalia, Mo., October 27, 1920, and March 10, 1921, respectively, and transported from the State of Missouri into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "* * * Tonic * * * Affords cure and relief [great relief] in cases of * * * Consumption, Asthma, Catarrh, and Bronchitis."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of alcohol, glycerin, and water, with traces of phenol and iodid.

Misbranding of the article was alleged in the libels for the reason that the above-quoted statements upon the said bottles, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the results and effects claimed.

On August 10, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10015. Adulteration and misbranding of artificial raspberry soda. U. S. * * * v. Ellis Duke and Wolf Rosett (The Eagle Bottling Co.). Pleas of guilty. Fines, \$50. (F. & D. No. 14910. I. S. No. 24938-r.)

On June 28, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Ellis Duke and Wolf Rosett, copartners, trading as the Eagle Bottling Co., Washington, D. C., alleging that on May 27, 1920, the said defendants did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of artificial raspberry soda which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained saccharin and artificial flavor and that it was colored with a coal-tar dye.

Adulteration of the article was alleged in the information for the reason that substances, to wit, saccharin and synthetic esters, had been mixed and packed with the article so as to injuriously affect its quality and had been substituted wholly or in part for the article; for the further reason that substances, to wit, saccharin and synthetic esters, and a coal-tar dye which reacts like amaranth, had been added and mixed with the said article in a manner whereby its damage and inferiority were concealed; and for the further reason that a poisonous and deleterious ingredient, to wit, saccharin, had been added to the said article, thereby rendering it injurious to health.

Misbranding was alleged in substance for the reason that the statement, to wit, "Raspberry Artificial," borne in small lettering in an inconspicuous place on the bottle caps, and the statement, to wit, "Palmer Brand 8 Flu Oz., Washington, D. C. Property of S. C. Palmer Co., Inc.," blown in the bottles containing the article, concerning the article and the ingredients and substances contained therein, were false and misleading in that the said caps are removed before serving and after the purchaser has ordered raspberry soda, and in that the contents of the said bottles were not prepared and placed therein by the said S. C. Palmer Co., Inc., but the original contents had been removed and other contents substituted, and for the further reason that the statement, to wit, "Raspberry Artificial," was false and misleading when applied to an article which contained no juice, flavor, or essence obtained from raspberry fruit and which did contain a coloring matter, to wit, coal-tar dye, which reacts like amaranth, and which said coloring matter was not declared upon the label of the said bottles. Misbranding was alleged for the further reason that the article was labeled as aforesaid, and the word "Artificial" so placed on the said bottle caps as to be removable before sale and serving so as to deceive and mislead the purchaser into the belief that the said article was raspberry soda, whereas, in truth and in fact, it was a product composed in part of saccharin, synthetic esters, and a coal-tar dye, which reacts like amaranth, and was neither a true raspberry soda nor a permitted artificial raspberry soda, and for the further reason that the article was misbranded as to the name and address of the manufacturer in that the contents of the said bottles as originally put up had been wholly removed and other contents substituted and placed therein. Misbranding was alleged for

the further reason that the article was a product composed in part of saccharin, synthetic esters, and a coal-tar dye, which reacts like amaranth, prepared in imitation of, and sold under the distinctive name of, another article, to wit, raspberry soda.

On June 28, 1921, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10016. Adulteration and misbranding of prepared mustard. U. S. * * * v. 4 Barrels * * * of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15025. I. S. No. 5483-t. S. No. E-3418.)

On July 13, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 barrels of prepared mustard, remaining in the original unbroken packages at Lowell, Mass., alleging that the article had been shipped by Plochman & Witt, Chicago, Ill., on or about August 26, 1920, and transported from the State of Illinois into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Standard Brand Prepared Mustard Colored With Turmeric 50 Gals. Plochman & Witt Chicago."

Adulteration of the article was alleged in the libel for the reason that substances, to wit, mustard hulls and an excessive quantity of starch, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for prepared mustard, which the said article purported to be. Adulteration was alleged for the further reason that a coloring matter, to wit, turmeric, had been added and mixed with the said article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement, to wit, "Standard Brand Prepared Mustard," borne on the barrels containing the article, concerning the article and the substances and ingredients contained therein, was false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was prepared mustard of standard quality, whereas, in truth and in fact, it was not prepared mustard of standard quality, but was a product containing mustard hulls and an excessive quantity of cornstarch. Misbranding was alleged for the further reason that the article was a product composed wholly or in part of mustard hulls and an excessive quantity of cornstarch and a coloring matter, to wit, turmeric, and was prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, prepared mustard.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10017. Misbranding of Lung Germine. U. S. * * * v. 6 Bottles and 1½ Dozen Bottles of Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15130, 15131. Inv. Nos. 32683, 32684. S. No. E-3417.)

On July 11, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 dozen bottles of Lung Germine, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about April 7, May 31, and June 19, 1921, respectively, and transported from the State of Michigan into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sulphuric acid, a small amount of iron sulphate, a trace of aromatics, about 2 per cent of alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the labeling bore certain statements, designs, and devices regarding the curative and therapeutic effect of the said article or the ingredients and substances contained therein, which were false and fraudulent.